

# Transcript of the Testimony of

## **Chief Scott Will**

December 26, 2023

**Raymond Thompson v. Joshua Cockrell, et al**

**Field Reporting Services**

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1 (Pages 1 to 4)

<p>1</p> <p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION</p> <p>-----</p> <p>RAYMOND THOMPSON, )  ) Plaintiff, )  ) v. )Cause No.: 4:23-cv-133-SRW  ) JOSHUA COCKRELL, et al, )  ) Defendant. ) -----</p> <p>DEPOSITION OF CHIEF SCOTT WILL TAKEN ON BEHALF OF THE PLAINTIFF DECEMBER 26, 2023</p> <p>SHEILA FIELD, CCR. No. 1226</p> <p>-----</p> <p>Field Reporting Services PO Box 252092 St. Louis, Missouri 63125 314-461-2122</p>	<p>2</p> <p>I N D E X</p> <p>1</p> <p>2 QUESTIONS BY: PAGE</p> <p>3 Mr. Gelfand 5</p> <p>4</p> <p>5</p> <p>6 E X H I B I T S</p> <p>7 EXHIBIT DESCRIPTION PAGE:</p> <p>8 No Exhibits were marked.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>3</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 EASTERN DISTRICT OF MISSOURI</p> <p>3 EASTERN DIVISION</p> <p>4 -----</p> <p>5 RAYMOND THOMPSON, )</p> <p> )</p> <p>6 Plaintiff, )</p> <p> )</p> <p>7 v. )Cause No.: 4:23-cv-133-SRW</p> <p> )</p> <p>8 JOSHUA COCKRELL, et al, )</p> <p> )</p> <p>9 Defendant. )</p> <p>-----</p> <p>10</p> <p>11</p> <p>12</p> <p>13 DEPOSITION OF CHIEF SCOTT WILL, produced,</p> <p>14 sworn, and examined on behalf of the PLAINTIFF, on</p> <p>15 DECEMBER 26, 2023, between the hours of ten o'clock</p> <p>16 in the morning and twelve o'clock in the afternoon</p> <p>17 of that day, via Zoom remote conferencing, before</p> <p>18 Sheila Field, a Certified Court Reporter within and</p> <p>19 for the State of Missouri, in a certain cause now</p> <p>20 pending in the United States District Court Eastern</p> <p>21 Division, Eastern District of Missouri, in the</p> <p>22 above-entitled matter.</p> <p>23</p> <p>24 -----</p> <p>25</p>	<p>4</p> <p>A P P E A R A N C E S</p> <p>1 The Plaintiff was represented by:</p> <p>2 Margulis Gelfand, LLC</p> <p>3 7700 Bonhomme Avenue</p> <p>4 Suite 750</p> <p>5 St. Louis, Missouri 63105</p> <p>6 By: Justin Gelfand</p> <p>7 The Defendant was represented by:</p> <p>8 Reichardt Noce &amp; Young</p> <p>9 12444 Powerscourt Drive</p> <p>10 Suite 160</p> <p>11 St. Louis, Missouri 63131</p> <p>12 By: Catherine Robertson</p> <p>13</p> <p>14 -----</p> <p>15 IT IS HEREBY STIPULATED AND AGREED by and</p> <p>16 between counsel for the Plaintiff and counsel for</p> <p>17 the Defendant that this deposition may be taken by</p> <p>18 Sheila Field, CCR, a Certified Court Reporter, and</p> <p>19 afterwards transcribed into typewriting; and the</p> <p>20 signature of the witness is expressly waived by</p> <p>21 agreement of counsel and consent of the witness.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">5</p> <p>1 CHIEF SCOTT WILL, 2 of lawful age, produced, sworn, and examined on 3 behalf of the PLAINTIFF, deposes and says: 4 5 EXAMINATION 6 QUESTIONS BY MR. GELFAND: 7 Q. Good morning. Can you please state and 8 spell your full name, for the benefit of the court 9 reporter? 10 A. <b>Scott Will, W-I-L-L, Scott, S-C-O-T-T.</b> 11 Q. And you are the chief of police of the 12 Manchester Police Department, correct? 13 A. <b>Correct.</b> 14 Q. Chief Will, have you ever had your 15 deposition taken before? 16 A. <b>Yes.</b> 17 Q. Approximately how many times? 18 A. <b>A dozen, maybe.</b> 19 Q. Okay. Has it always been in connection 20 with police work? 21 A. <b>No.</b> 22 Q. In what context have you had your 23 deposition taken, outside of your job? 24 A. <b>A civil proceeding, involving my wife. A</b> 25 <b>lawsuit my wife filed against somebody.</b></p>	<p style="text-align: right;">6</p> <p>1 Q. Okay. Where was that? 2 A. <b>It was taken in probably Clayton. It was</b> 3 <b>a number of years ago.</b> 4 Q. Okay. Given your experience testifying, 5 I'm going to dispense with kind of the whole slew of 6 normal ground rules, but just go over a couple of 7 them. If at any point I ask you a question or your 8 attorney asks you a question, that you don't 9 understand, I'm going to ask that you please tell us 10 and I promise you, you won't offend me, you won't 11 offend her. We'll be happy to rephrase it. Fair 12 enough? 13 A. <b>Okay. Yep.</b> 14 Q. Similarly, if you answer any question I'm 15 going to assume that you understood it. Fair 16 enough? 17 A. <b>Yep.</b> 18 Q. How long have you been the chief of the 19 police? 20 A. <b>It will be five years this February.</b> 21 Q. And as chief of police, what are your 22 duties and responsibilities? 23 A. <b>I'm in charge of the overall operation of</b> 24 <b>the police department, including making sure our</b> 25 <b>mission is followed. I really cover all aspects of</b></p>
<p style="text-align: right;">7</p> <p>1 <b>the police department.</b> 2 Q. There's an old expression the buck stops 3 here. Does the buck stop with you? 4 A. <b>Yes, sir.</b> 5 Q. What is your academic background? 6 A. <b>I have a masters degree in criminal</b> 7 <b>justice and criminology. I'm a graduate of the FBI</b> 8 <b>National Academy. I taught at university level</b> 9 <b>classes, graduate levels. I've done a lot of</b> 10 <b>training for law enforcement related issues too.</b> 11 Q. Where did you receive your undergraduate 12 degree? 13 A. <b>The University of Missouri St. Louis.</b> 14 Q. And when did you receive that from UMSL? 15 A. <b>Around '96 '97 '98, that area.</b> 16 Q. What was that in? 17 A. <b>I beg your pardon?</b> 18 Q. What were your undergraduate -- what was 19 your undergraduate degree in? 20 A. <b>Same thing. Criminal justice and</b> 21 <b>criminology.</b> 22 Q. Where did you receive your masters degree? 23 A. <b>University of Lindenwood, Lindenwood</b> 24 <b>University.</b> 25 Q. And when did you receive the masters?</p>	<p style="text-align: right;">8</p> <p>1 A. <b>2000.</b> 2 Q. You testified that you were trained at the 3 FBI National Academy. Did you ever serve in a 4 federal law enforcement capacity? 5 A. <b>Yeah. I was a member of the joint</b> 6 <b>terrorism task force, a Tier 2 level member of the</b> 7 <b>task force. And then of course, I've also -- I</b> 8 <b>should -- I should have mentioned I'm also a</b> 9 <b>graduate of the regular police academy. That was</b> 10 <b>back in 1984.</b> 11 Q. Okay. When were you a member of the JTTF? 12 A. <b>It was shortly after 9/11. Let's see.</b> 13 <b>2002, maybe.</b> 14 Q. For approximately how long? 15 A. <b>Five years.</b> 16 Q. Were you member of the JTTF, in your 17 capacity as a state or local law enforcement 18 officer, as opposed to a federal agent? 19 A. <b>No. I was a federal agent.</b> 20 Q. Have you ever served in a federal law 21 enforcement capacity, outside of a task force? 22 A. <b>No. Not outside of a task force.</b> 23 Q. Okay. Prior to becoming chief, were you 24 employed at the Manchester Police Department? 25 A. <b>No. Prior to that, I was at Maryland</b></p>

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<p style="text-align: right;">9</p> <p>1 <b>Heights, where I served for 33 years. I was a</b> 2 <b>captain there.</b> 3 Q. For 33 years, at Maryland Heights? 4 <b>A. Yes, sir. Forty years altogether in law</b> 5 <b>enforcement, this April.</b> 6 Q. What were your duties and 7 responsibilities, as a captain at Maryland Heights, 8 just generally? 9 <b>A. Really, I -- I sort of ran the gamut. I</b> 10 <b>was in charge of, briefly, of our tactical team. I</b> 11 <b>was in charge of support services, of the bureau of</b> 12 <b>field operations. The detective bureau, at one</b> 13 <b>point. These are all over different points.</b> 14 <b>Support services, reserve officers, fleet</b> 15 <b>management. I really -- I really -- I really went</b> 16 <b>through the whole gamut, in law enforcement, as a</b> 17 <b>captain over there.</b> 18 Q. I want to shift gears, Chief, to the 19 Manchester Police Department and your role as chief. 20 Would you agree with me that when conducting any 21 sort of law enforcement activity, it's your 22 expectation that your officers will be thorough? 23 <b>A. Yes.</b> 24 Q. Fair? 25 <b>A. Yes.</b></p>	<p style="text-align: right;">10</p> <p>1 Q. Keep an open mind? 2 <b>A. Yes.</b> 3 Q. Follow all leads? 4 <b>A. Follow all leads or refer them to someone</b> 5 <b>appropriate.</b> 6 Q. In other words, either follow all leads 7 personally or have another law enforcement officer, 8 agent follow that lead? 9 <b>A. Detective. Yeah. What have you.</b> 10 Q. Okay. Not rush to judgment, until they 11 have all relevant evidence? 12 <b>A. Correct.</b> 13 Q. Be honest and accurate, in reports and 14 affidavits? 15 <b>A. Yes.</b> 16 Q. As chief of the Manchester Police, would 17 you agree with me that officers, detectives, the 18 whole department, as a whole, has access to a myriad 19 of law enforcement tools? 20 MS. ROBERTSON: Objection, calls for 21 speculation, vague. 22 THE WITNESS: Do I answer? 23 MS. ROBERTSON: Yeah, yeah. 24 <b>A. Could you repeat that for me, sir?</b> 25 Q. (BY MR. GELFAND) Sure. Would you agree</p>
<p style="text-align: right;">11</p> <p>1 with me that the Manchester Police Department has 2 access to a myriad of law enforcement tools? 3 <b>A. Yes.</b> 4 Q. Okay. And that includes the ability to 5 apply for, and if granted, execute search warrants, 6 correct? 7 <b>A. Yes.</b> 8 Q. To conduct witness interviews, correct? 9 <b>A. Yes.</b> 10 Q. To obtain documents or other pieces of 11 evidence, with judicially authorized subpoenas? 12 <b>A. Yes.</b> 13 Q. To use forensic crime laboratory use, as 14 appropriate? 15 <b>A. Yes.</b> 16 Q. Would you agree with me that it's only 17 fair to all parties involved, whether it's 18 defendants, alleged victims, the whole nine yards, 19 to use all available resources, to make sure that 20 you've investigated any situation fairly and 21 thoroughly? 22 MS. ROBERTSON: Same objection. You can 23 answer. 24 <b>A. All resources? Is that what you --</b> 25 Q. (BY MR. GELFAND) All available resources,</p>	<p style="text-align: right;">12</p> <p>1 to make sure you've investigate -- investigated any 2 situation fairly and thoroughly? 3 <b>A. Fairly and thoroughly. All resources,</b> 4 <b>that's a little open-ended. I mean, for example, we</b> 5 <b>wouldn't call major case squad out for, you know,</b> 6 <b>bicycle theft or -- you understand what I'm saying.</b> 7 <b>But they do have a lot of resources available to</b> 8 <b>them.</b> 9 Q. Okay. If you're investigating something, 10 just to use your example, like a bicycle theft, 11 would you agree with me, though, that you need to 12 use the resources available, to figure out -- to get 13 it right? 14 MS. ROBERTSON: Same objection. 15 <b>A. Yes.</b> 16 Q. (BY MR. GELFAND) Okay. I want to direct 17 your attention to the night of October 22nd of 2022. 18 If you recall, were you personally on duty, that 19 evening? 20 <b>A. I -- in the evening, no. Most likely not,</b> 21 <b>I'm generally 9:00 to 5:00.</b> 22 Q. Okay. To the best of your knowledge, have 23 you ever personally spoken with or otherwise 24 communicated with a person named Amara Elmore? 25 <b>A. Not to my knowledge.</b></p>

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<p style="text-align: right;">13</p> <p>1 Q. To the best of your knowledge, have you 2 ever spoken with or otherwise communicated with 3 Steven Mackenzie? 4 <b>A. Not to my knowledge.</b> 5 Q. Have you ever spoken or communicated with 6 my client, the plaintiff in this case, 7 Raymond Thompson? 8 <b>A. Not to my knowledge.</b> 9 Q. Are you familiar, at least broadly 10 speaking, with the case that brings us here 11 together? 12 <b>A. Yes.</b> 13 Q. What, if any, personal involvement did you 14 have, in connection with the Manchester Police 15 Department's activities, in this particular case? 16 <b>A. My involvement in it really didn't take 17 place, until after this litigation was filed.</b> 18 Q. And what was your involvement? 19 <b>A. Discussing things with our attorneys.</b> 20 Q. When you say your attorneys and I'm not 21 asking you anything that you discussed with your 22 attorneys, are you referring to Ms. Robertson and 23 any individuals in her firm? 24 <b>A. Yes.</b> 25 Q. In October of 2022, who was the city</p>	<p style="text-align: right;">14</p> <p>1 attorney in Manchester? 2 <b>A. Paul Rost.</b> 3 Q. And who is Paul Rost? 4 <b>A. Paul is our city attorney. I'm not sure 5 -- I don't -- I don't know him, other than by sight.</b> 6 Q. Okay. Prior to October 22nd of 2022, had 7 Paul Rost served as the city attorney of Manchester, 8 Missouri, for quite some time? 9 <b>A. He -- he was there, prior to that. When 10 he started, I do not know.</b> 11 Q. Are you familiar with Erin Seele, 12 S-E-E-L-E, at Mr. Rost's firm? 13 <b>A. Yes.</b> 14 Q. And who is Erin Seele? 15 <b>A. She is one of the associates there. And 16 she handles a variety of cases that Paul may refer 17 to her.</b> 18 Q. Based on your experience, is it fair to 19 say that, put aside whether she's technically the 20 city attorney, in any sort of formal sense, but that 21 she has served as a city attorney in various 22 matters? 23 <b>A. I -- I don't know if she serves any other 24 municipalities, but she has, from time to time, sat 25 for board meetings, in place of Paul.</b></p>
<p style="text-align: right;">15</p> <p>1 Q. In other words, Paul Rost is the city 2 attorney and there have been instances, that you're 3 familiar with, where Erin Seele has served in his 4 place? 5 <b>A. Yes.</b> 6 Q. And was that true, prior to October 22nd 7 of 2022? 8 <b>A. Yes.</b> 9 Q. Now, switching gears, for a second, I want 10 to direct your attention to the night of October 11 22nd of 2022. That evening, that night -- and when 12 I say October 22nd of 2022, I'm including after 13 midnight, so technically October 23rd of 2022 as 14 well. 15 <b>A. Okay.</b> 16 Q. Did Officer Gerhardt, Officer Cockrell, or 17 anyone else contact you, to advise you of the 18 situation that is the subject of this lawsuit? 19 MS. ROBERTSON: You mean Gerholdt? 20 MR. GELFAND: Gerholdt. 21 <b>A. Gerholdt. Yeah. No.</b> 22 Q. (BY MR. GELFAND) Did anyone, in the 23 following couple of days, bring to your attention 24 the situation that is the subject of this lawsuit? 25 <b>A. I don't believe so.</b></p>	<p style="text-align: right;">16</p> <p>1 Q. On those days, October 22nd, 2022 and 2 October 23rd, 2022, did Manchester Police utilize 3 body worn cameras? 4 <b>A. Yes.</b> 5 Q. Did Manchester Police also utilize in car 6 cameras commonly called dash cameras? 7 <b>A. Yes.</b> 8 Q. Okay. I'm going to refer to both of those 9 today as body cams and dash cams. Are we on the 10 same page as to what we're talking about? 11 <b>A. Yes.</b> 12 Q. Okay. Prior to October 22nd of 2022, did 13 the City of Manchester Police Department have a 14 general order in effect, governing the use of body 15 worn cameras and dash cameras? 16 <b>A. Yes.</b> 17 Q. And are you familiar with that particular 18 order? 19 <b>A. Yes.</b> 20 Q. Is that Order No. 466? 21 <b>A. Correct.</b> 22 Q. I can show you the document in a second, 23 but the effective date that I have, on that order 24 number, is March 25th of 2021. Does that sound 25 right to you?</p>

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<p style="text-align: right;">17</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. And it says the issuing authority is the</p> <p>3 chief of police. Was that you, on March 25th of</p> <p>4 2021?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. So to cut to the chase, did you issue this</p> <p>7 order?</p> <p>8 <b>A. I did.</b></p> <p>9 Q. Okay. Based on your training and your</p> <p>10 experience, as the chief of the Manchester Police,</p> <p>11 what body cams were utilized, by Manchester police</p> <p>12 officers, on October 22nd of 2022?</p> <p>13 <b>A. Generally speaking, all officers are given</b></p> <p>14 <b>-- assigned body cameras, at the beginning of their</b></p> <p>15 <b>shifts. And then they utilize the dash cameras that</b></p> <p>16 <b>are in the vehicle that they're assigned.</b></p> <p>17 <b>Now, whether a particular camera was down</b></p> <p>18 <b>in a car that night, I don't know. But in the</b></p> <p>19 <b>situation of a body cam, if it was down, there are</b></p> <p>20 <b>many others, that they can take in their place. So</b></p> <p>21 <b>generally speaking, when they walk out the door,</b></p> <p>22 <b>they should have a camera.</b></p> <p>23 Q. And generally speaking, when should</p> <p>24 officers use the camera, a body camera?</p> <p>25 <b>A. Generally speaking, any time they have</b></p>	<p style="text-align: right;">18</p> <p>1 <b>contact or interaction with a citizen or contact</b></p> <p>2 <b>with the public, beyond the, you know, the good</b></p> <p>3 <b>morning type of things, traffic stops, things like</b></p> <p>4 <b>that.</b></p> <p>5 Q. And generally speaking, when is the dash</p> <p>6 cam utilized by law enforcement, in their official</p> <p>7 capacities?</p> <p>8 <b>A. Yeah. That is actually turned on</b></p> <p>9 <b>automatically, when they use their red lights. I</b></p> <p>10 <b>believe, they have to manually activate it, if it's</b></p> <p>11 <b>something other than that. If they just pull up to</b></p> <p>12 <b>a scene and they didn't happen to have their red</b></p> <p>13 <b>lights or siren on, for any reason, I believe those</b></p> <p>14 <b>have to be manually activated.</b></p> <p>15 Q. What is your expectation, as the chief of</p> <p>16 police, as to why officers should utilize body cams,</p> <p>17 when they're interacting with members of the public?</p> <p>18 MS. ROBERTSON: Objection. Object to the</p> <p>19 form, vague, calls for speculation. You can go</p> <p>20 ahead and answer, Chief.</p> <p>21 <b>A. Body cameras, they've been around for --</b></p> <p>22 <b>not body cameras, but cameras, in general, have been</b></p> <p>23 <b>around for some time. And as technology has</b></p> <p>24 <b>improved and we've had the ability to -- to have our</b></p> <p>25 <b>interactions captured on video, it's a way of</b></p>
<p style="text-align: right;">19</p> <p>1 <b>capturing that moment, for -- for future use,</b></p> <p>2 <b>whether it be administratively or criminal --</b></p> <p>3 <b>criminal cases, in which you need evidence. And --</b></p> <p>4 <b>and it -- it -- it's there, for -- for transparency</b></p> <p>5 <b>purposes.</b></p> <p>6 Q. And to put that into more common English,</p> <p>7 it's there to memorialize what actually happens,</p> <p>8 between law enforcement and members of the public,</p> <p>9 correct?</p> <p>10 MS. ROBERTSON: Same objection, you can</p> <p>11 answer.</p> <p>12 <b>A. Yes. Yes.</b></p> <p>13 Q. (BY MR. GELFAND) Would you agree with me,</p> <p>14 given your almost 40 years of law enforcement</p> <p>15 experience, that a video memorializes what</p> <p>16 transpires better than an officer's memory and</p> <p>17 narrative in a police report?</p> <p>18 MS. ROBERTSON: Same objection.</p> <p>19 <b>A. No. I don't agree with that. I have</b></p> <p>20 <b>often found that a camera doesn't show the context</b></p> <p>21 <b>of what's happening, all the time. Things may be</b></p> <p>22 <b>happening off camera angles, visions, things of that</b></p> <p>23 <b>nature.</b></p> <p>24 <b>There's times when an officer's</b></p> <p>25 <b>observations or a witness's observations actually</b></p>	<p style="text-align: right;">20</p> <p>1 <b>turn out to be better than something that you can</b></p> <p>2 <b>see in a camera. Chasing somebody down the road</b></p> <p>3 <b>with a handgun in their -- in their possession or</b></p> <p>4 <b>hand, that the officer may be able to see, but it's</b></p> <p>5 <b>difficult to capture on a video is just an example</b></p> <p>6 <b>of that.</b></p> <p>7 Q. Are there instances where officers are</p> <p>8 inaccurate, in their police reports?</p> <p>9 MS. ROBERTSON: Same objection.</p> <p>10 <b>A. Yes. It has happened. Sure.</b></p> <p>11 Q. (BY MR. GELFAND) Now, I want to direct</p> <p>12 your attention to what I'm going to show you, which</p> <p>13 is Exhibit 3. Bear with me, for one sec, while I</p> <p>14 share my screen. Can you tell me if you can see</p> <p>15 what I've marked as Exhibit 3, in front of you?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Does Exhibit 3 appear to be a photograph</p> <p>18 of Officer Gerholdt?</p> <p>19 <b>A. I can't see his face, but I have no reason</b></p> <p>20 <b>to believe it's not him. And it has his name.</b></p> <p>21 Q. I'm sorry?</p> <p>22 <b>A. It has his name displayed.</b></p> <p>23 Q. And it has his DSN number, correct?</p> <p>24 <b>A. Correct.</b></p> <p>25 Q. Okay. Do you know Officer Gerholdt?</p>



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6 (Pages 21 to 24)

<p style="text-align: right;">21</p> <p>1     <b>A. I do.</b> 2     Q. How do you know Officer Gerholdt? 3     <b>A. I hired him.</b> 4     Q. Is it your understanding, based on 5 reviewing documents in this particular case, that 6 Officer Gerholdt responded to Mr. Thompson's house, 7 on October 22nd of 2022? 8     <b>A. Yes.</b> 9     Q. If we look at this photo, in Exhibit 3, do 10 you see a body cam? 11     <b>A. I do.</b> 12     Q. And is that the body cam make and model, 13 so to speak, that was utilized on that date? 14     <b>A. Yes.</b> 15     Q. The body cam appears to have a green light 16 and a red light. Would you agree with me on that? 17     <b>A. Yes.</b> 18     Q. What, if anything, does the green light 19 indicate to you? 20     <b>A. That the camera is functioning.</b> 21     Q. What, if anything, does the red light 22 indicate to you? 23     <b>A. It has been some time since I've seen</b> 24 <b>these, but it's my understanding that means --</b> 25 <b>indicates that it's recording.</b></p>	<p style="text-align: right;">22</p> <p>1     Q. Would you agree with me that Exhibit 3 2 reflects a green light, that is visible, and a red 3 light, that is visible? 4     MS. ROBERTSON: Object to form, calls for 5 speculation, vague foundation. You can answer, if 6 you know. 7     <b>A. Yes. I would agree.</b> 8     Q. (BY MR. GELFAND) Okay. Are you guessing 9 or do you know the color green and the color red? 10     <b>A. No. That looks right to me. I know that</b> 11 <b>the green indicates that it's -- actually, I may</b> 12 <b>have that backwards. But with both of them on, it</b> 13 <b>indicates to me that it is recording.</b> 14     Q. Now, if we direct your attention -- well, 15 let's back up. 16     I will represent to you and your attorney 17 can correct me, if she believes I'm misrepresenting 18 this. But Officer Gerholdt testified, in his 19 deposition, that he was utilizing his body cam, that 20 evening. Do you have any reason to disbelieve that? 21     <b>A. No.</b> 22     Q. I will also represent to you that Officer 23 -- well, first of all, do you know who 24 Officer Cockrell is? 25     <b>A. I do.</b></p>
<p style="text-align: right;">23</p> <p>1     Q. Who is Officer Cockrell? 2     <b>A. He's one of our police officers.</b> 3     Q. And based on your preparation, for this 4 deposition, is it your understanding that 5 Officer Cockrell also responded to Mr. Thompson's 6 house that evening, October 22nd of 2022? 7     <b>A. Yes.</b> 8     Q. I will represent to you that 9 Officer Cockrell testified, in his deposition, that 10 he was not utilizing his body camera that evening. 11 Based on your understanding of Manchester Police's 12 policies and procedures, should he have been 13 utilizing his body camera that evening? 14     MS. ROBERTSON: Object to form, vague, 15 calls for speculation. 16     <b>A. Again, generally speaking, the answer is</b> 17 <b>yes, without knowing the specific circumstances.</b> 18 <b>But generally, yes, it should have been on.</b> 19     Q. (BY MR. GELFAND) What is your 20 understanding of how body camera footage is actually 21 captured? In other words, if Officer Gerholdt 22 accurately testified that he recorded body camera 23 footage from the Thompson residence that evening, 24 how did that get transferred to Manchester Police 25 Department's servers?</p>	<p style="text-align: right;">24</p> <p>1     <b>A. It's my understanding one of two ways.</b> 2 <b>They -- when they put the body camera into the</b> 3 <b>docking port of their vehicle, I believe it's</b> 4 <b>transferred into the in-car system. But either way,</b> 5 <b>when they come onto the station lot, that system</b> 6 <b>automatically uploads it into our software here. So</b> 7 <b>it's done automatically, when they pull into the</b> 8 <b>lot.</b> 9     Q. And how does dash cam footage similarly 10 get uploaded onto Manchester Police Department 11 servers? 12     <b>A. The same thing.</b> 13     Q. So is it fair to say these are automatic 14 processes, that necessarily happen, when an officer 15 returns to the station, so to speak? 16     <b>A. Yes.</b> 17     Q. Now, I want to direct your attention to 18 Exhibit 6. Can you see Exhibit 6, in front of you, 19 sir? 20     <b>A. I do.</b> 21     Q. Do you recognize Exhibit 6? 22     <b>A. Yes.</b> 23     Q. What is Exhibit 6? 24     <b>A. It's our policy on body worn cameras.</b> 25     Q. This specifically references Order No.</p>

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7 (Pages 25 to 28)

<p style="text-align: right;">25</p> <p>1 466, effective 3/25/2021, issued by the chief of the 2 police; is that correct? 3 <b>A. Correct.</b> 4 Q. The end of this exhibit, if we go to the 5 last page, Page 9, indicates that it is signed by 6 Colonel Scott Will, Chief of Police. Is that your 7 signature? 8 <b>A. It is.</b> 9 Q. And this is a nine-page order, correct? 10 <b>A. Correct.</b> 11 Q. The distribution says all department 12 personnel? 13 <b>A. Correct.</b> 14 Q. Would that have included Officer Cockrell 15 and Officer Gerholdt? 16 <b>A. Yes.</b> 17 Q. Now, if we direct your attention to the 18 top of Exhibit 6, it says the purpose of this 19 general order is to establish policy and procedure, 20 for the use of portable audio, slash, video 21 recording devices, specifically body worn cameras, 22 by members of this department; is that correct? 23 <b>A. Correct.</b> 24 Q. And it also says that this order will also 25 provide guidelines for the use, management, storage,</p>	<p style="text-align: right;">26</p> <p>1 and retrieval of audio, visual media recorded by 2 body worn cameras, correct? 3 <b>A. Correct.</b> 4 Q. Based on your training and experience, 5 with the body cams that were utilized by your police 6 department on October 22nd of 2022, did they capture 7 both video and audio? 8 <b>A. When you say they, are you talking about</b> 9 <b>Gerholdt's camera?</b> 10 Q. The cameras that were utilized, by the 11 department, on that date. 12 <b>A. Did they capture -- I'm not sure I</b> 13 <b>understand.</b> 14 Q. Sure. I'm not talking about specific 15 video footage. I'm just saying, as a general 16 matter, did the body cams, that were utilized, by 17 your department on the date of this incident, which 18 is October 22nd of 2022, generally capture the video 19 and the audio, if they were operated -- if they were 20 on and operated properly? 21 <b>A. I would expect that they would. Yes.</b> 22 Q. In other words, they have the capacity to 23 capture not only visual, but audio as well, correct? 24 <b>A. Correct.</b> 25 Q. Is that the case with dash cam videos?</p>
<p style="text-align: right;">27</p> <p>1 <b>A. Yes. To an extent. The audio isn't</b> 2 <b>always recorded. The range of the -- the audio</b> 3 <b>actually comes from the body camera to -- to the</b> 4 <b>car. It's my understanding it's not as -- as clear</b> 5 <b>as -- as the body camera itself. But to answer your</b> 6 <b>question, generally, yes.</b> 7 Q. So is it fair to say that the body cam 8 does a better job of capturing audio, but the dash 9 cam does capture audio? 10 MS. ROBERTSON: Object to form, vague, 11 calls for speculation. 12 Q. (BY MR. GELFAND) I mean, is that what 13 you're saying? 14 <b>A. Yes.</b> 15 Q. Okay. If I direct your attention back to 16 Exhibit 6, the general order that you implemented. 17 Was this general order effective, on October 22nd 18 and October 23rd of 2022? 19 <b>A. Yes.</b> 20 Q. Digital evidence is defined as files 21 including photographs, audio recordings, and video 22 footage captured by a body cam and stored digitally, 23 correct? 24 <b>A. Correct.</b> 25 Q. And that would also apply to dash cams,</p>	<p style="text-align: right;">28</p> <p>1 correct? 2 <b>A. Correct.</b> 3 Q. Based on your almost 40 years of law 4 enforcement experience, why is it important for law 5 enforcement to preserve evidence? 6 MS. ROBERTSON: Object to form, vague, 7 calls for speculation. 8 <b>A. Evidence is the tools in a case that are</b> 9 <b>used to generally prove or disprove a particular</b> 10 <b>fact. So we keep evidence when it is warranted.</b> 11 Q. (BY MR. GELFAND) Would you agree with me 12 that video footage of a member of the public 13 accessing someone else's private property 14 constitutes evidence? 15 MS. ROBERTSON: Object to form, vague, 16 calls for speculation. 17 <b>A. And actually, I would agree with that. It</b> 18 <b>does -- it does require speculation. You know, the</b> 19 <b>form of your question is does the camera, is it</b> 20 <b>necessary to capture their being on a property? Is</b> 21 <b>that what you're asking me? I'm sorry. Maybe just</b> 22 <b>repeat the question.</b> 23 Q. (BY MR. GELFAND) Sure. If you have video 24 of somebody entering someone else's private 25 property, is that evidence?</p>



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8 (Pages 29 to 32)

<p style="text-align: right;">29</p> <p>1 MS. ROBERTSON: Same objection.</p> <p>2 <b>A. No. We are on private property, quite a</b></p> <p>3 <b>bit. And that doesn't make it evidence at all.</b></p> <p>4 <b>We're there, just called to a scene. We walk up to</b></p> <p>5 <b>the front door and knock on the door. That doesn't</b></p> <p>6 <b>make it evidence. We check a house where they, you</b></p> <p>7 <b>know, they're on vacation check. My point is that</b></p> <p>8 <b>there's many times that we're on someone's private</b></p> <p>9 <b>property, that does not warrant or make that</b></p> <p>10 <b>evidence.</b></p> <p>11 Q. How about if somebody takes a motor</p> <p>12 vehicle that doesn't belong to them? Is that</p> <p>13 evidence?</p> <p>14 MS. ROBERTSON: Same objection, vague,</p> <p>15 calls for speculation.</p> <p>16 <b>A. An example that you're giving, that</b></p> <p>17 <b>someone is taking a motorcycle -- and again, it</b></p> <p>18 <b>depends on the circumstances. If someone is</b></p> <p>19 <b>believing they're retrieving an item, that belongs</b></p> <p>20 <b>to somebody else, I wouldn't call that necessarily</b></p> <p>21 <b>evidence. If it's being taken, in connection with</b></p> <p>22 <b>the criminal report, it would be. Does that make</b></p> <p>23 <b>sense?</b></p> <p>24 Q. (BY MR. GELFAND) Well, we'll get into</p> <p>25 this, in a second. What is your understanding, as</p>	<p style="text-align: right;">30</p> <p>1 to why Manchester Police responded to Mr. Thompson's</p> <p>2 house, on October 22nd of 2022?</p> <p>3 <b>A. It originally -- the original call -- I'm</b></p> <p>4 <b>looking for it here -- was classified as a -- just</b></p> <p>5 <b>bear with me for one second.</b></p> <p>6 Q. Are you looking for the police report?</p> <p>7 <b>A. No.</b></p> <p>8 Q. What are you looking for?</p> <p>9 <b>A. I'm looking for this. This is a -- it's</b></p> <p>10 <b>keep the peace. So when dispatch sends an officer,</b></p> <p>11 <b>they put a category into the system. And this was</b></p> <p>12 <b>categorized as keep the peace. And that was --</b></p> <p>13 Q. Who was --</p> <p>14 <b>A. Sorry?</b></p> <p>15 Q. I'm sorry. I didn't mean to interrupt</p> <p>16 you.</p> <p>17 <b>A. Okay. It -- it's categorized as keep the</b></p> <p>18 <b>peace. And so that is what will also show up on the</b></p> <p>19 <b>officer's screen, when they're routed there.</b></p> <p>20 Q. Who was threatening the peace?</p> <p>21 MS. ROBERTSON: Objection, calls for</p> <p>22 speculation.</p> <p>23 <b>A. Yeah. I -- I mean, I'm going off of what</b></p> <p>24 <b>the notes say here. Actually, this copy that I have</b></p> <p>25 <b>is not very good. I -- I would have to research</b></p>
<p style="text-align: right;">31</p> <p>1 <b>this, sir, to accurately give you an answer as to</b></p> <p>2 <b>what the dispatchers provided the officers. So I --</b></p> <p>3 <b>I -- at this very moment, I can't say who -- I -- I</b></p> <p>4 <b>can't say why the dispatchers entered this. I have</b></p> <p>5 <b>not -- I have not listened to the audio recording of</b></p> <p>6 <b>the actual phone call to -- to dispatch, so...</b></p> <p>7 Q. (BY MR. GELFAND) Let's -- let's back up.</p> <p>8 <b>A. Okay.</b></p> <p>9 Q. Do you see Exhibit 4 on the screen in</p> <p>10 front of you?</p> <p>11 <b>A. Let's see if I -- do I see R?</b></p> <p>12 Q. I'm sharing my screen with you.</p> <p>13 <b>A. Yeah. I'm not -- try it again. Okay.</b></p> <p>14 <b>Okay. Yes. That's the report.</b></p> <p>15 Q. Okay. Do you see Exhibit 4 on the screen</p> <p>16 in front of you?</p> <p>17 <b>A. Uh-huh.</b></p> <p>18 Q. Yes?</p> <p>19 <b>A. Yes. That's the report.</b></p> <p>20 Q. Chief Will, do you recognize Exhibit 4?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. What is Exhibit 4?</p> <p>23 <b>A. It's the police report.</b></p> <p>24 Q. When you say the police report, are you</p> <p>25 referring to the investigative, slash, offense</p>	<p style="text-align: right;">32</p> <p>1 report of Manchester Police Department, regarding</p> <p>2 the incident at Mr. Thompson's house?</p> <p>3 <b>A. Correct.</b></p> <p>4 Q. The type of incident says stealing of a</p> <p>5 motor vehicle.</p> <p>6 <b>A. Correct.</b></p> <p>7 Q. In your training and experience, as the</p> <p>8 chief of the Manchester Police Department, what does</p> <p>9 that reference?</p> <p>10 <b>A. An auto theft.</b></p> <p>11 Q. And based on your understanding of this</p> <p>12 case, what automobile was stolen?</p> <p>13 <b>A. A motorcycle.</b></p> <p>14 Q. And in particular, have you come to learn</p> <p>15 that the automobile, that was stolen, was a</p> <p>16 motorcycle stolen from Mr. Thompson's house, that</p> <p>17 belonged to Mr. Thompson?</p> <p>18 <b>A. Yes. Yes. We have since learned that.</b></p> <p>19 <b>Yes.</b></p> <p>20 Q. What is supposed to be in the officer's</p> <p>21 section of the police department -- of the police</p> <p>22 report?</p> <p>23 MS. ROBERTSON: Object to form, vague,</p> <p>24 calls for speculation.</p> <p>25 <b>A. Generally, it's the officers who are</b></p>

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<p style="text-align: right;">33</p> <p>1 <b>involved in the case.</b></p> <p>2 Q. (BY MR. GELFAND) Would that include the</p> <p>3 two officers who responded to the house?</p> <p>4 A. Yes.</p> <p>5 Q. Do you have any knowledge as to why</p> <p>6 Officer Cockrell's name is completely missing?</p> <p>7 A. No.</p> <p>8 Q. Would you agree with me that that's an</p> <p>9 inaccuracy in the police report?</p> <p>10 MS. ROBERTSON: Objection.</p> <p>11 A. <b>It should have been listed, if he -- if he</b></p> <p>12 <b>showed up is my answer.</b></p> <p>13 Q. (BY MR. GELFAND) And so to answer my</p> <p>14 question, if it's not listed, which it's obviously</p> <p>15 not, would you agree with me that the police report,</p> <p>16 at least in that capacity, is inaccurate?</p> <p>17 A. Yes.</p> <p>18 Q. Is it your understanding, as you sit here</p> <p>19 today, on December 26th of 2023, that Amara Elmore</p> <p>20 and Steven Mackenzie unlawfully took Mr. Thompson's</p> <p>21 Harley Davidson motorcycle, from his residence that</p> <p>22 night?</p> <p>23 MS. ROBERTSON: Object to form, vague,</p> <p>24 foundation, calls for speculation.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">34</p> <p>1 Q. (BY MR. GELFAND) Would you agree with me,</p> <p>2 with your almost 40 years of law enforcement</p> <p>3 experience and as the chief of police, that video</p> <p>4 footage of that theft occurring would constitute</p> <p>5 evidence, that should be preserved?</p> <p>6 MS. ROBERTSON: Object to form, vague,</p> <p>7 calls for speculation.</p> <p>8 A. Yes.</p> <p>9 Q. (BY MR. GELFAND) Prior to testifying</p> <p>10 today, what, if any, effort did you take, to</p> <p>11 determine whether Officer Gerholdt's body camera</p> <p>12 footage was, in fact, preserved, meaning footage of</p> <p>13 this incident on October 22nd 2022 and October 23rd</p> <p>14 2022?</p> <p>15 A. <b>I looked into the matter, along with the</b></p> <p>16 <b>-- with the commander who is in charge of that</b></p> <p>17 <b>aspect of operations here.</b></p> <p>18 Q. Was Officer Gerholdt's body camera footage</p> <p>19 of this incident preserved by the Manchester Police</p> <p>20 Department?</p> <p>21 A. <b>It was preserved, in terms of the system</b></p> <p>22 <b>and the -- I'm sorry?</b></p> <p>23 Q. No. I was just coughing. I apologize.</p> <p>24 A. <b>It was -- it was preserved in --</b></p> <p>25 <b>consistent with the type of call that it was</b></p>
<p style="text-align: right;">35</p> <p>1 <b>dispatched, which it was keep the peace. And within</b></p> <p>2 <b>the guidelines that that particular call would --</b></p> <p>3 <b>would require for us to hold.</b></p> <p>4 Q. Which means what, in English?</p> <p>5 MS. ROBERTSON: Objection, argumentative.</p> <p>6 A. <b>The call came out as a keep the peace,</b></p> <p>7 <b>which is not generally -- which is not a crime, per</b></p> <p>8 <b>se. So the system would generally keep this for a</b></p> <p>9 <b>shorter period of time than a theft report, for</b></p> <p>10 <b>example. The dispatcher puts in what she believes</b></p> <p>11 <b>the call is going to be and gives that information</b></p> <p>12 <b>to the officer on the screen, with -- with some of</b></p> <p>13 <b>the notes there, that are included. Then the</b></p> <p>14 <b>officer, he doesn't need to write a report.</b></p> <p>15 <b>Then based on the evidence and information</b></p> <p>16 <b>that he obtains, he may change that classification,</b></p> <p>17 <b>which was done here. He changed it to a</b></p> <p>18 <b>classification of the stealing of a motor vehicle.</b></p> <p>19 Q. (BY MR. GELFAND) So let's back up, for a</p> <p>20 second. Based on the research, that you conducted,</p> <p>21 did Officer Gerholdt's body camera record footage</p> <p>22 from the incident at Mr. Thompson's house involving</p> <p>23 his Harley Davidson?</p> <p>24 A. <b>I can't answer that, given the fact that</b></p> <p>25 <b>the -- there's no recording to be found. We could</b></p>	<p style="text-align: right;">36</p> <p>1 <b>not find the recording. The photograph that you</b></p> <p>2 <b>showed me, I'm assuming that is from the night, it</b></p> <p>3 <b>was taken -- I don't know who took that picture, but</b></p> <p>4 <b>I'm assuming it was from the night indicates to me</b></p> <p>5 <b>that his camera was functioning.</b></p> <p>6 <b>And so the question was why don't we have</b></p> <p>7 <b>that recording anymore. But I -- I can answer that</b></p> <p>8 <b>I would have expected to see that on the system.</b></p> <p>9 <b>But I -- I could not find it. So I can't say, for</b></p> <p>10 <b>sure, it was recording.</b></p> <p>11 Q. Did you look, to determine whether any</p> <p>12 dash cam footage, from the vehicles driven by</p> <p>13 Officer Gerholdt or Officer Cockrell that evening,</p> <p>14 captured any recordings?</p> <p>15 A. <b>We looked for all recordings. Yes.</b></p> <p>16 Q. Okay. So let's just get a couple of facts</p> <p>17 in order, before we get deeper.</p> <p>18 A. Okay.</p> <p>19 Q. Is it your testimony today that no</p> <p>20 recordings, including body cam and dash cam</p> <p>21 recordings from the incident involving</p> <p>22 Mr. Thompson's motorcycle, are currently in the</p> <p>23 custody, possession, or control of the Manchester</p> <p>24 Police Department?</p> <p>25 A. <b>That's -- that is my belief. Yes.</b></p>

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<p style="text-align: right;">37</p> <p>1 Q. And to be clear, in simple English, is it 2 fair to say you looked for those recordings, in 3 connection with this litigation, and didn't find 4 them? 5 <b>A. Correct.</b> 6 Q. When was the body cam footage destroyed or 7 otherwise purged from the system by the Manchester 8 Police Department? 9 <b>A. Well, the system is designed to purge 10 calls after I believe it's 30 days. I'm not certain 11 about that time. But after 30 days, unless the 12 officer goes back and changes it.</b> 13 <b>And here again, as I described before, 14 sometimes the dispatch will put it in one way and 15 then the officer will discover that it is something 16 else. So the officer can go in and change that 17 category, which would have meant that the recording 18 would stay much longer.</b> 19 <b>In the case of an auto theft, it should be 20 in there -- it's usually consistent with the statute 21 of limitations. So in this case, it would have been 22 three years.</b> 23 Q. So let's back up, for a second. If we 24 look at Exhibit 4, would you agree with me that as 25 of at least October 23rd, 2022 at 4:03 a.m. central</p>	<p style="text-align: right;">38</p> <p>1 time, the Manchester Police Department considered 2 this incident stealing of a motor vehicle? 3 <b>A. Yes.</b> 4 Q. And if we look lower on the page, under 5 offenses, it references a felony statute next to the 6 phrase, Missouri Circuit Court, correct? 7 <b>A. Correct.</b> 8 Q. And F-E-L period refers to felony, 9 correct? 10 <b>A. Correct.</b> 11 Q. Would you agree with me that if, in fact, 12 a felony was committed on October 22nd or October 13 23rd of 2022, the statute of limitations, under 14 Missouri State Law, has not yet expired for that 15 felony? 16 MS. ROBERTSON: Object to form, calls for 17 legal conclusion. 18 <b>A. Correct.</b> 19 Q. (BY MR. GELFAND) And to be clear, as the 20 chief of police, you're familiar with the particular 21 statute involving stealing of a motor vehicle, 22 correct? 23 <b>A. I am.</b> 24 THE WITNESS: Counselor, I'm just going to 25 step over here and grab a bottle of water.</p>
<p style="text-align: right;">39</p> <p>1 MR. GELFAND: Sure. And Chief Will, if 2 you need a break, at any point, there's certainly no 3 prohibitions on that. So just let me know. 4 THE WITNESS: Okay. Thank you. 5 MR. GELFAND: Are you okay to continue? 6 THE WITNESS: Yeah. Yeah. I can 7 continue. 8 Q. (BY MR. GELFAND) I want to direct your 9 attention back to Exhibit 6, please, which I will 10 show you on the screen. Do you see Exhibit 6, in 11 front of you? 12 <b>A. I do.</b> 13 Q. To be clear, this is the policy that you 14 implemented the year prior to this incident, 15 correct? 16 <b>A. Correct.</b> 17 Q. There is a section titled retention, 18 slash, release of digital evidence and 19 non-evidentiary video. Do you see that? 20 <b>A. Yes.</b> 21 Q. Subsection A said recordings related to, 22 dot, dot, dot, felony criminal proceedings, 23 litigation, or a personnel complaint shall be 24 preserved until the matter is resolved and/or in 25 accordance with the law, City of Manchester attorney</p>	<p style="text-align: right;">40</p> <p>1 and department evidence retention policy. Did I 2 read that correctly? 3 <b>A. Yeah.</b> 4 Q. Would you agree with me that to the extent 5 they existed, recordings from this incident, that is 6 the subject matter of this civil litigation, that 7 you're testifying as a fact witness in, should have 8 been preserved including until today? 9 <b>A. Yes.</b> 10 Q. All right. And if we look at Subsection 11 C, it says all video recorded events uploaded from 12 body worn cameras will be retained, for a minimum of 13 30 days, per Missouri secretary of state records 14 retention schedule or requirements, correct? 15 <b>A. Correct.</b> 16 Q. So is it fair to say there is, at a 17 minimum, a 30-day retention policy for all videos? 18 <b>A. Fair to say.</b> 19 Q. And that includes body camera videos and 20 dash camera videos, correct? 21 <b>A. Correct.</b> 22 Q. Are you familiar with an email address, 23 which I will spell out, for the benefit of the court 24 reporter, police@manchestermo.gov? 25 <b>A. Yes.</b></p>

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11 (Pages 41 to 44)

<p style="text-align: right;">41</p> <p>1 Q. What is that email address?</p> <p>2 A. That is a general email address that is on</p> <p>3 our website, that we actually no longer use.</p> <p>4 Q. When you say that we no longer use,</p> <p>5 meaning that the Manchester Police Department</p> <p>6 previously used, but no longer uses?</p> <p>7 A. Well, we found that that website you</p> <p>8 referenced was jammed, to -- to a -- with a</p> <p>9 significant amount of junk mail and advertisements,</p> <p>10 where it became a laborious process to go through</p> <p>11 all the emails, to determine what few emails, that</p> <p>12 were sent to us, were actually legitimate. So we've</p> <p>13 changed it to a form based process.</p> <p>14 And the officers, when they're out, always</p> <p>15 tell clients -- I mean, citizens that if they need</p> <p>16 to reach them, they give them a personal email</p> <p>17 address. Any officer can be reached via email by</p> <p>18 their initials and their last name.</p> <p>19 So that -- that generalized</p> <p>20 police@manchestermo.gov is -- was very problematic.</p> <p>21 And the other -- I mean, we generally get documents,</p> <p>22 subpoenas sitting on my desk that are mailed to us,</p> <p>23 as snail mail, UPS -- United States Postal Service.</p> <p>24 Q. When did Manchester Police stop using that</p> <p>25 email address?</p>	<p style="text-align: right;">42</p> <p>1 A. I don't know, for sure. That is -- that</p> <p>2 is a City function. It's not exclusive to the</p> <p>3 police department. I just -- I just know, at some</p> <p>4 point, they quit using it. Actually, let me</p> <p>5 rephrase that.</p> <p>6 They may -- they may -- that address may</p> <p>7 take someone to a form, that someone has to fill out</p> <p>8 now, as opposed to just a regular email address,</p> <p>9 that you and I would have.</p> <p>10 Q. I'm going to show you what I've marked,</p> <p>11 for purposes of this depo, as Exhibit 7, which I</p> <p>12 will represent to you, as you can see, it's just a</p> <p>13 screenshot, from the Manchester website. Are you</p> <p>14 familiar with the Manchester website?</p> <p>15 A. Yes.</p> <p>16 Q. So under police administration and support</p> <p>17 operations, as of at least December 4th of 2023,</p> <p>18 there's a link to email the police department. Do</p> <p>19 you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And there's a phone number above that. Do</p> <p>22 you recognize that phone number?</p> <p>23 A. It's a little blurry, but yeah. I think</p> <p>24 that's our station number.</p> <p>25 Q. Do you recognize Exhibit 7 as a screenshot</p>
<p style="text-align: right;">43</p> <p>1 of the manchestermo.gov website?</p> <p>2 A. Yes.</p> <p>3 Q. Now, the link -- I'm going to show you</p> <p>4 Exhibit 8. It's a little tough to see. So I'm</p> <p>5 going to do my best to zoom in for you. Do you see</p> <p>6 that same link, email the police department?</p> <p>7 A. Do I see --</p> <p>8 Q. Let's back up. Do you see Exhibit 8 in</p> <p>9 front of you?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And the left side of Exhibit 8 is</p> <p>12 what I just showed you, which is Exhibit 7, correct?</p> <p>13 A. Yes. It appears to be. Yeah.</p> <p>14 Q. The right side includes what you could</p> <p>15 call the meta-data, where it says mail to, colon,</p> <p>16 police@manchestermo.gov, email the police</p> <p>17 department. Did I just read that correctly?</p> <p>18 A. I take your word for it. I'm having a</p> <p>19 little trouble seeing it, but I take your word for</p> <p>20 it.</p> <p>21 Q. Do you see where I'm looking? Let me zoom</p> <p>22 in for you.</p> <p>23 A. Okay. Mail to police -- yeah. There you</p> <p>24 go.</p> <p>25 Q. So even today or at least as of the date</p>	<p style="text-align: right;">44</p> <p>1 of Exhibit 7 and 8, if I hit -- if I click on email</p> <p>2 the police department, it goes to</p> <p>3 police@manchestermo.gov, correct?</p> <p>4 A. No. First of all, I'm not familiar with</p> <p>5 what you're showing me here. I have really no idea</p> <p>6 what that is. I have checked it myself, to see what</p> <p>7 happens, when you click that button. And it did</p> <p>8 take to a form based screen, where someone has to</p> <p>9 fill out a form, thereby eliminating all the junk</p> <p>10 mail that was going into that.</p> <p>11 Q. So what email address does that form get</p> <p>12 sent to, if someone fills out that form?</p> <p>13 A. I -- I don't know. I'd have to -- I don't</p> <p>14 know.</p> <p>15 Q. On October 22nd of 2022, was the email</p> <p>16 address police@manchestermo.gov in use?</p> <p>17 A. I believe so. Yes.</p> <p>18 Q. And was that also the case, on November</p> <p>19 14th of 2022?</p> <p>20 A. I would -- I would believe so. I think</p> <p>21 that change was fairly recent.</p> <p>22 Q. In other words, after November 14th of</p> <p>23 2022?</p> <p>24 A. Yep.</p> <p>25 Q. I'm going to show you what I've marked as</p>



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12 (Pages 45 to 48)

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1 Exhibit 5. Can you tell me if you can see that in  
2 front of you?  
3 **A. Yep.**  
4 **Q.** Exhibit 5, I will represent to you is a  
5 preservation of records letter that I sent on  
6 November 14th of 2022 to police@manchestermo.gov, as  
7 well as by email to Paul Rost and Erin Seele, who  
8 you previously identified as the city attorneys or  
9 Ms. Seele as substituting for Mr. Rost, as the city  
10 attorney, correct?  
11 **A. Correct.**  
12 **Q.** Have you ever seen Exhibit 5, prior to  
13 testifying today?  
14 **A. Yes.**  
15 **Q.** When is the first time you saw Exhibit 5?  
16 **A. I am not sure of the exact date. Before**  
17 **this deposition. And I'm having trouble getting to**  
18 **it right now. I reviewed my schedule, for that time**  
19 **period. And it -- it brought up a vacation, where I**  
20 **was on vacation, for a couple weeks. I can't get it**  
21 **to come up now, for some reason. The answer to your**  
22 **question is I don't know when specifically I read**  
23 **that. I do know eventually it was given to me and I**  
24 **think -- I believe Mr. Rost had a copy of it also,**  
25 **he sent over. But I -- I'm afraid I'm going to lose**

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1 **Q.** The letter goes on to spell out that  
2 there's anticipation of possible litigation, between  
3 Mr. Thompson and the Manchester Police Department,  
4 correct?  
5 **A. Yes.**  
6 **Q.** And there's a demand that the police  
7 department preserve, among other things,  
8 electronically stored information, correct?  
9 **A. Yes.**  
10 **Q.** And to be clear, there's no ambiguity  
11 here, that expressly references body cam footage,  
12 dash cam footage, and various other documents, that  
13 may or may not exist, correct?  
14 **A. Correct.**  
15 **Q.** The letter included my name and contact  
16 info, correct?  
17 **A. I -- you'd have to go back down. I'm --**  
18 **I'm assuming that your name is on here. Yeah. Yep.**  
19 **Q.** And it said, as is custom, if there's any  
20 questions or concerns or if you want to discuss  
21 this, call me, correct?  
22 **A. Yes.**  
23 **Q.** Or contact me, through your legal counsel,  
24 if any.  
25 **A. Okay.**

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1 **you, if I -- if I minimize it or exit full screen.**  
2 **Oh here we go. Here we go. Okay.**  
3 **Q.** Let me ask it this way. Do you have any  
4 disagreement, at all, that the Manchester Police  
5 Department and the city attorney, Mr. Rost, received  
6 this preservation request, on November 14th of 2022?  
7 **A. I don't have any reason to think that's**  
8 **not true.**  
9 **Q.** If we look at Exhibit 5, can you see at  
10 the top, where it says this law firm represents  
11 Raymond Thompson, just below preservation of  
12 records?  
13 **A. Yes.**  
14 **Q.** Would you agree with me that, this letter  
15 identifies Mr. Thompson by name, as well as the date  
16 that we contend Manchester Police Department  
17 illegally entered Mr. Thompson's property and  
18 facilitated the theft of his Harley Davidson?  
19 **A. Yes.**  
20 **Q.** In other words, would you agree with me  
21 that if somebody acted on this preservation letter,  
22 the Manchester Police Department had all of the  
23 information it needed to properly identify the  
24 incident and any videos and recordings that existed?  
25 **A. Yes.**

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1 **Q.** So my question for you is this. Why did  
2 Manchester Police not preserve the body cam and dash  
3 cam footage, from the incident that is the subject  
4 of this litigation?  
5 **A. When I received this letter, whatever date**  
6 **that it was, I did open the report, I looked at the**  
7 **report. I noticed there were some documents entered**  
8 **into the report, that were saved, the officer saved,**  
9 **for perpetuity, until we were to expunge the record**  
10 **and that doesn't happen for many, many years.**  
11 **I saw that it was captioned as a stealing**  
12 **of an auto or a vehicle report. I knew that that is**  
13 **a three-year statute of limitations. So I did not**  
14 **take the extra -- I did not get into the video**  
15 **system, to look at the video, because it was my**  
16 **belief that the system would have -- would have**  
17 **retained it for three years and therefore be**  
18 **available to you.**  
19 **Q.** So in other words, do you readily agree  
20 that the body camera footage and dash cam footage  
21 should have been preserved?  
22 **MS. ROBERTSON:** Object to form, vague,  
23 calls for speculation.  
24 **A. Well, your letter asked that we preserve**  
25 **it. And I entered what -- the report, to see the**



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13 (Pages 49 to 52)

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1 type of report, saw that it was a felony case. And  
2 believed that we were going to be in compliance, by  
3 the recording being in the -- in the system as well  
4 as the report. I obviously can see the report. And  
5 I believe there were a couple documents maybe that  
6 were attached to it. And I knew those were saved.

7 And so -- and you know, we get these quite  
8 a bit -- not quite a bit, but we do get requests. A  
9 lot of these are criminal cases. And so I had no  
10 reason to believe that it wouldn't be available to  
11 you.

12 Q. (BY MR. GELFAND) Let's back up for a  
13 second. We agree, as you're testifying today, that  
14 the body cam and dash cam footage, from the incident  
15 that is the subject of this litigation, is no longer  
16 available, correct?

17 A. We have tried our level best. And the  
18 answer to your question is yes. As far as I can  
19 tell, it's not available.

20 Q. We also agree that because it is in  
21 connection with a felony investigation, it should be  
22 available, under the Order No. 466, that you issued  
23 in March of 2021, correct?

24 MS. ROBERTSON: Object to form. You can  
25 answer, if you know.

50

1 A. I want to make sure I answer you  
2 correctly. Could you repeat it?

3 Q. (BY MR. GELFAND) Sure. Pursuant to Order  
4 No. 466, that you issued in March of 2021, because  
5 this is a felony investigation, the video footage  
6 from the incident, that is the subject of this civil  
7 litigation, should still be available, correct?

8 MS. ROBERTSON: Same objection.

9 A. Yes, it should.

10 Q. (BY MR. GELFAND) And can we also agree  
11 that the preservation letter was sent less than 30  
12 days after October 22nd of 2022?

13 A. I would agree with that. When it was  
14 actually received by me, I don't know the date. In  
15 discussion of that, I've come to believe it was  
16 after that. But again, I didn't believe it was  
17 going to be a problem, because at that point, I  
18 believed it was classified as an auto theft. I  
19 didn't know about the keep the peace category and  
20 dispatch. But I believed that it would have been in  
21 the system and available for you.

22 Q. But to answer my question, I don't think  
23 it's particularly controversial. My question is  
24 rather simple, which is November 14th of 2022 was  
25 less than 30 days after October 22nd of 2022,

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1 correct?

2 A. I beg your pardon. Yes. I didn't  
3 actually -- I didn't realize -- yes. That is true.

4 Q. And so would you also agree with me that  
5 under Order No. 466, irrespective of the  
6 classification, that as of the date of the  
7 preservation letter, this video footage should have  
8 been available to the Manchester Police Department,  
9 to take whatever steps were necessary, to preserve  
10 on November 14th of 2022?

11 A. Yes.

12 Q. To be clear, because it's within 30 days,  
13 correct?

14 A. Yes. Well, the letter was sent within 30  
15 days, Counselor, but I think that it is safe -- it  
16 is reasonable to say that although a letter is dated  
17 at a certain time and I'm not trying to be  
18 argumentative here. But a letter is dated a certain  
19 time, that is not indicative of when the time that  
20 it is actually seen by us. In cases like this, it's  
21 always best to send it certified mail or even call  
22 us.

23 You did date the letter on the 14th, which  
24 is within the 30 days, by about a week. Which is --  
25 of course, you wouldn't have known that, but it was

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1 kind of cutting it a little close. But -- so you  
2 know, the fact that the letter is dated that, my  
3 only contention is that it doesn't mean that that's  
4 when it was actually received by me or anybody else.

5 Q. Do you know when Paul Rost received the  
6 letter?

7 A. I do not.

8 Q. Would you agree with me that sending a  
9 letter by email, this day and age, to the city  
10 attorney is a reliable method of communicating?

11 MS. ROBERTSON: Object to form, vague,  
12 calls for speculation.

13 Q. (BY MR. GELFAND) You can answer.

14 A. I don't think that's the best way. No, I  
15 do not.

16 Q. Just to be clear, your testimony is that  
17 it should have been sent by certified mail, instead  
18 of by email to your attorney and to -- and email?

19 A. Yeah. I think -- yeah. I think it best,  
20 you know, when you're talking about preservation  
21 letter. And if there was any concern over time,  
22 that -- it's always best to contact us directly, so  
23 that we ensure that everything is there. And that  
24 there's no possibility of an issue. You know, a lot  
25 of times, we -- even when emails are sent to my

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14 (Pages 53 to 56)

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1 email address or my wife, it ends up in junk. And I  
2 don't check my junk mail. So I believe it's always  
3 best to send something or -- when I send something,  
4 that is important, I always ask for a reply, you  
5 know, acknowledge that it's received.

6 Q. When did you first learn of the existence  
7 of the preservation request by us?

8 A. I -- I'm sorry. I just don't remember,  
9 sir.

10 Q. Do you remember an approximate date?

11 A. Beg your pardon?

12 Q. Do you remember an approximate date?

13 A. You know, I think -- if I had to guess --  
14 well, to answer your question, within a proximity, I  
15 would say it would be fairly close to that date.

16 Now, you sent it on the -- if you're saying that you  
17 emailed it the same date of the letter --

18 Q. I am.

19 A. -- that it was probably within a few days  
20 of the -- of the -- of the letter. I just don't  
21 know the exact date.

22 Q. With the benefit of hindsight, Chief Will,  
23 what would you have had to do, to preserve the video  
24 footage, so that it's available today?

25 MS. ROBERTSON: Object to form, vague.

1 MR. GELFAND: I'm just trying to figure  
2 out -- maybe there's a better way of asking my  
3 question. I'll strike that -- that question.

4 Q. (BY MR. GELFAND) When you received this  
5 letter, to make sure that the video footage was  
6 actually preserved, what -- what could you have  
7 mechanically done, to make that happen?

8 MS. ROBERTSON: Object to form, calls for  
9 speculation.

10 A. There is a purge button, if you will, that  
11 prohibits a case from being purged. Let's say that  
12 you file litigation on a felony case and the  
13 litigation, it didn't come to trial, within three  
14 years. To prevent that from being erased, prior to  
15 that, there is a button that prohibits it from being  
16 purged from the system at all, that's A.

17 B, conversely, we can download it and put  
18 it onto a DVD. But you know, to use your analogy,  
19 in this day and age, people are getting away from  
20 that. But that was -- that is another step we could  
21 -- we could have taken.

22 Q. (BY MR. GELFAND) And is it fair to say  
23 that neither of these steps were taken, by you or  
24 anyone else at the Manchester Police Department, in  
25 connection with this case?

55

56

1 A. That is correct.

2 Q. I asked you about Order No. 466. Are  
3 there any other written policies or procedures  
4 governing the preservation or destruction of footage  
5 captured by body worn cameras or in-car cameras,  
6 meaning dash cams?

7 A. I don't know. I -- I did review 466,  
8 because I knew you were going to ask me about it. I  
9 would have to go through the rest of the policy  
10 manual, to give you an accurate answer. But off the  
11 top of my head, I can't think of any.

12 Q. Okay. You understand that you're here and  
13 testifying under 30(b)(6) on behalf of the Manchester  
14 Police Department or the City of Manchester more  
15 precisely, correct?

16 A. I don't know what a 30(b)(6) is.

17 Q. That you're basically a quote, unquote  
18 corporate representative of the entity, correct?

19 A. Yes. I think -- yes. It was -- yes. The  
20 term was used. Yes.

21 Q. One of the subjects that we notified we  
22 would ask about, and it's not a trick, I'm just --  
23 just asking, was the City's police department's  
24 policies regarding body camera footage including but  
25 not limited to any policies relating to the

1 recording, retention, and destruction of body camera  
2 footage.

3 As you sit here today, are there any  
4 policies, other than 466, that govern that issue? I  
5 just want to make sure we're covering all of our  
6 bases.

7 A. No. I -- I understand. And it's the same  
8 answer. The body worn camera policy was written, of  
9 course, when the cameras came in. So I have no  
10 reason to believe that there was anything else,  
11 other than we wrote that particular policy, for that  
12 particular issue. So I have no reason to believe,  
13 you know, that it is listed anywhere else. Other  
14 than generalized, you know, evidence, that we, you  
15 know, would seize on any regular basis.

16 Q. And just to be clear and put a finer point  
17 on that, Chief Will. Is it fair to say that law  
18 enforcement should generally preserve evidence  
19 seized in connection with an investigation?

20 MS. ROBERTSON: Object to form, calls for  
21 speculation, vague.

22 A. Yes.

23 Q. (BY MR. GELFAND) Chief I want to switch  
24 gears just briefly and get a little granular. And  
25 I'm not sure if you know any of these answers. But

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15 (Pages 57 to 60)

<p style="text-align: right;">57</p> <p>1 just please answer truthfully, if you do and tell me 2 if you don't know. 3 Has there been any technological audit 4 done on what happened, with respect to these 5 particular video recordings, involving the 6 Thompson's house and Harley Davidson? 7 MS. ROBERTSON: Object to form, vague, 8 calls for speculation. 9 <b>A. I requested that. I asked WatchGuard to 10 research that, to see if there was any way to locate 11 it, through their end. I was told there was not. 12 And then I asked for an audit, to see if there's 13 something that would show when it was purged. We 14 have not received an answer yet.</b> 15 Q. (BY MR. GELFAND) And when you say you've 16 not received that answer yet, is that an ongoing 17 audit, as far as you know? 18 <b>A. No, sir. I don't know if it's even 19 possible. I suspect it is, that it would tell us, 20 you know, when -- if a video was accessed, when it 21 was purged. But I don't know that, for sure. And 22 I've got another commander checking with WatchGuard, 23 to see if that information is available.</b> 24 MR. GELFAND: More of a question for 25 Counsel than for you, Chief Will. But can we agree</p>	<p style="text-align: right;">58</p> <p>1 that any subsequent discovery on this topic be 2 supplemented? In other words, if that 3 investigation, so to speak, reveals any answers, as 4 to when it was purged, who purged it, et cetera, 5 that that will be provided to us? 6 MS. ROBERTSON: Well, I think that's 7 probably a larger conversation, Justin, off the 8 record. 9 MR. GELFAND: Okay. We can have that 10 larger conversation, off the record. 11 Q. (BY MR. GELFAND) Chief Will, who is 12 conducting that particular inquiry? 13 <b>A. Lieutenant Ed Skaggs.</b> 14 Q. And for the benefit of the court reporter, 15 would you mind spelling the last name? 16 <b>A. Sure. S-K-A-G-G-S.</b> 17 Q. And what is Lieutenant Skaggs' 18 technological background, if any? 19 MS. ROBERTSON: Object to form, calls for 20 speculation. 21 <b>A. Yeah. My only answer is he knows more 22 about it than I -- me. That's about all I can tell 23 you.</b> 24 Q. (BY MR. GELFAND) But to ask this in 25 English, has any IT person attempted to find out the</p>
<p style="text-align: right;">59</p> <p>1 answer to these questions? 2 <b>A. Yes. Our IT person was involved in it. 3 He is the first guy we went to. And I don't know 4 what he said. Lieutenant Skaggs dealt with him, but 5 reported to me that the IT person knew of no way to 6 retrieve that, on our end, and suggested that we 7 call the vendor, which is what we -- I -- I asked 8 him to take that extra step.</b> 9 Q. So is it fair to say, sitting here today, 10 you have no idea when these recordings were purged 11 from the system, correct? 12 <b>A. I have an idea.</b> 13 Q. What -- what's your idea and what's that 14 based on? 15 <b>A. It's based on what this call was 16 originally classified as is a keep the peace. And a 17 keep the peace would typically be purged after 18 likely 30 days, 30 or 60 days, but it's likely based 19 on that -- on the call. It would -- if the officer 20 had gone back in and changed the classification, 21 then it would have kept it longer. But that may not 22 have been done. That -- that's my -- my suspicion.</b> 23 Q. Was it done? In other words, you've 24 testified that the officer clearly considered this a 25 felony investigation, as of approximately 4:00 a.m.</p>	<p style="text-align: right;">60</p> <p>1 the following morning, meaning October 23rd of 2022. 2 Did the officer change the classification, for 3 purposes of evidence preservation? 4 MS. ROBERTSON: Object to form, vague, 5 calls for speculation, mischaracterizes the 6 testimony and evidence in this case. 7 <b>A. Yeah. The answer is I don't know. 8 Because I -- I don't have any audit information. 9 You would have to ask him that. I don't have any 10 information, that I can tell you, for sure, one way 11 or the other -- one way or the other, as to what 12 he's done, with regarding his -- his reporting.</b> 13 Q. (BY MR. GELFAND) When do you expect 14 Detective Skaggs' inquiry will be completed? 15 <b>A. It's Lieutenant Skaggs. And I don't know. 16 When I'm finished here with you, I'm going to be 17 walking over to his office.</b> 18 Q. So sitting here today, though, based on 19 what you know, as opposed to guessing or 20 speculating, is it fair to say you don't know when 21 this footage was purged from the system? 22 <b>A. That's correct.</b> 23 Q. And is it fair to say you don't know who, 24 if anyone, purged it from the system? 25 <b>A. Well, it's automatic. I have no reason to</b></p>

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16 (Pages 61 to 64)

<p style="text-align: right;">61</p> <p>1 <b>believe it was done manually. That would -- that</b> 2 <b>wouldn't be done. I suspect it was done as part of</b> 3 <b>the program.</b> 4 Q. If you know, are files purged from the 5 system, when they hit the 30 or 60 or 360 months 6 mark? Or are they purged on a particular day kind 7 of en masse? 8 <b>A. I don't know.</b> 9 Q. Now, finally, did you have any involvement 10 with this particular investigation, other than with 11 respect to this evidence preservation issue, that 12 you're being deposed about? 13 <b>A. No.</b> 14 Q. Is it fair to say that any fact questions 15 about why something happened or why something didn't 16 happen would have to be directed to the officers, 17 who were actually involved? 18 <b>A. Before I answer that, hold on one second.</b> 19 <b>Well --</b> 20 Q. Let me ask it a different way, because I 21 know -- I think you're perhaps, and I don't mean 22 this critically, overthinking the question. Did 23 anyone ever ask you for permission to act in a 24 particular way, before they acted in this case? 25 <b>A. No.</b></p>	<p style="text-align: right;">62</p> <p>1 MS. ROBERTSON: Object to form, vague, 2 calls for speculation. 3 Q. (BY MR. GELFAND) So in other words, if an 4 officer, in this particular case, did something or 5 didn't do something, is it fair to say that was not 6 based on any specific authority, that you gave them 7 personally? 8 <b>A. That is correct.</b> 9 Q. Thank you. At this point, Chief Will, I 10 don't have any further questions, subject to one 11 thing I want to note for the record. 12 My understanding is that from the 13 testimony is that there continues to be an ongoing 14 inquiry, by the Manchester Police, as to the 15 circumstances and dates, under which the evidence at 16 issue was purged from the system. 17 And to the extent that ongoing inquiry 18 reveals any new information, any different 19 information, or any inconsistent information, or any 20 additional information, we would request that that 21 be immediately disclosed to us, as we consider that 22 relevant to the 30(b)(6) nature of this deposition. 23 <b>A. I understand that. In this case, we</b> 24 <b>probably would provide it to our attorneys and have</b> 25 <b>them give it to you.</b></p>
<p style="text-align: right;">63</p> <p>1 <b>And I would just add that we are doing our</b> 2 <b>level best. I want to understand, a clear</b> 3 <b>understanding, of what happened so that this doesn't</b> 4 <b>happen again.</b> 5 <b>You know, the reason that we have these --</b> 6 <b>these recordings is so that you can have it. And</b> 7 <b>we -- I want to understand why this -- why it's</b> 8 <b>happened and how it happened. So we're -- we're</b> 9 <b>doing everything we can, beyond the normal, I think,</b> 10 <b>to -- to research this for you.</b> 11 Q. I appreciate your time. Your attorney may 12 have some questions for you. 13 MR. GELFAND: I don't have any further 14 questions, for you, at this point. 15 MS. ROBERTSON: Let's take a quick break 16 we've been going for almost an hour and a half here. 17 MR. GELFAND: Sure. Shall we say, Sheila, 18 if it's okay with you, maybe ten minutes? It's 19 11:23 now, 11:35? 20 MS. ROBERTSON: Yeah. Ten, fifteen 21 minutes. 22 MR. GELFAND: Yeah. That's fine. 23 (WHEREIN, a brief break was taken.) 24 MS. ROBERTSON: So I don't have any 25 questions.</p>	<p style="text-align: right;">64</p> <p>1 MR. GELFAND: That makes it easy. 2 Chief Will, you have the option to read and review 3 what the court reporter took down or to waive 4 signature and assume that she took it down properly. 5 She just needs to know which you choose. 6 MS. ROBERTSON: We can -- we can waive, 7 Chief. 8 THE WITNESS: Waive. 9 (WHEREIN, the deposition was concluded.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI )

) ss.

3 CITY OF ST. LOUIS )

4 I, Sheila Field, do hereby certify that

5 pursuant to Notice, there came before me via Zoom

6 remote conferencing,

7 CHIEF SCOTT WILL,

8 who was by me first duly sworn to tell the whole

9 truth of his knowledge touching the matter in

10 controversy aforesaid; that the witness was examined

11 on the day and place in that first aforesaid, and

12 the examination was taken by voice shorthand and

13 later reduced to typewriting; that the signature of

14 the deponent was waived by agreement of counsel, and

15 the deposition is herewith returned.

16 IN WITNESS WHEREOF, I have hereunto set my hand

17 and seal this 9th day of January, 2024.

18

19

20

21 /s/ Sheila Field

22 Sheila Field, CCR

23

24

25



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